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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,266	07/14/2003	Jianming Dong	AUS919990812US2	7059
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IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER TAN, ALVIN H	
			ART UNIT 2173	PAPER NUMBER
			NOTIFICATION DATE 05/28/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeciipaw.com

Office Action Summary

Application No.

10/619,266

Applicant(s)

DONG ET AL.

Examiner

ALVIN H. TAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 2/21/08. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

Claims 1-6 have been examined and rejected. This Office action is responsive to the amendment filed on 2/21/08, which has been entered in the above identified application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, and 6 have been rejected under 35 U.S.C. 102(e) as being anticipated by Mayaud (U.S. Patent No. 7,072,840 B1).

Claims 1-4, 6 (Graphical User Interface)

3-1. Regarding claims 1, 20, and 27, Mayaud teaches the claim comprising a first graphical user interface area for containing a first list of items, by disclosing a data management system useful in the production of product specification documents that require detailed product and history information from multiple extensive information sources [column 1, lines 15-27]. A first list of items may correspond to a complete list of conditions used when adding new conditions to a patient's record when a problems button 50 is selected [column 19, lines 42-58] or when selecting a condition using condition button 86 [column 25, lines 56-59].

Mayaud teaches a second graphical user interface area for containing a second list of participants, by disclosing a patient selection screen shown in [figure 2].

Mayaud teaches a third graphical user interface area for containing a plurality of third lists of items, each third list of items comprising at least one item selected from the first list of items, by disclosing a list of currently active conditions 51 [column 19, lines 42-47; figure 3] and a list of conditions 86 with prescriptions [column 20, lines 11-20; figure 3]. Mayaud teaches each participant in the second list having a corresponding plurality of third lists of items, wherein the third graphical user interface displays the plurality of third lists of items that corresponds to a selected one of the participants in the second list, by disclosing that when a patient is selected, the lists of information corresponding to that patient will be displayed [column 19, line 29 to column 20, line 58]. The lists are made by selection from a user [column 20, lines 59-63; column 26, lines

12-15]. Additionally, the lists displayed when selecting a drug for a particular condition correspond to the participant that was selected [column 34, lines 17-33].

3-2. Regarding claim 2, Mayaud teaches the claim with respect to claim 1, further comprising a fourth graphical user interface area for displaying at least one grouping of third lists of items of the corresponding plurality of third lists of items displayed in the third graphical user interface area, by disclosing a Dx-Patient list that lists previously exhibited conditions or problems of the selected patient [column 34, lines 26-33] as well as any new conditions that are selected [column 34, lines 45-51].

3-3. Regarding claim 3, Mayaud teaches the claim with respect to claim 1, wherein the corresponding plurality of third lists of items are displayed in an array of graphical user interface areas within the third graphical interface area, by disclosing that the lists are made by selection from a user [column 19, lines 49-58; column 26, lines 12-15; column 34, lines 45-51]. Selections for problems and allergies are displayed in area 50 and 52 and selections for conditions and drugs are displayed in areas 86 and 88 of [figure 3]. The system supplies an array of up-to-date prescribing information and patient-related data to the point-of-care [column 33, lines 39-45].

3-4. Regarding claim 4, Mayaud teaches the claim with respect to claim 1, wherein the selected one of the plurality of participants is selected by highlighting a participant in the second list in the second graphical user interface area, by disclosing that a selected

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participant is highlighted from the patient selection screen [column 17, lines 15-22; figure 2]. When a patient is selected, lists of information corresponding to that patient will be displayed [column 19, line 29 to column 20, line 58].

3-5. Regarding claim 6, Mayaud teaches the claim with respect to claim 1, wherein the third graphical user interface area allows entry, display of, and direct manipulation of the items in the plurality of lists, by disclosing that the user can edit the items within the lists shown in [figure 3; column 19, lines 49-58; column 26, lines 12-15].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mayaud (U.S. Patent No. 7,072,840 B1) and Applicant's admission of prior art.

5-1. Regarding claim 5, Mayaud teaches the claim with respect to claim 1. Although Mayaud teaches that the graphical user interface may include scroll bars [column 7, lines 57-65], Mayaud does not expressly teach wherein the second list comprises a scrollable list in the second graphical user interface area. The statement that scroll bars

are commonly used in a graphical user interface to allow the user to view information that cannot be completely displayed is taken to be admitted prior art because Applicant has failed to traverse the Examiner's assertion of official notice. See MPEP 2144.03 C. Since Mayaud teaches a list of selectable participants of which the user may add any number of participants [*column 17, lines 15-22; figure 2*], it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of scroll bars with the list of participants, since Applicant admits that scroll bars are commonly used to allow the user to view information that cannot be completely displayed.

Response to Arguments

6. The Examiner acknowledges the Applicant's amendments to claims 1-6 and the cancellation of claims 7 and 20-32. Regarding independent claim 1, the Applicant alleges that Mayaud (U.S. Patent No. 7,072,840 B1), as described in the previous Office action, does not explicitly teach, "a third graphical user interface area for containing a plurality of third lists of items, each third list of items comprising at least one item selected from the first list of items, and each participant in the second list having a corresponding plurality of third lists of items, wherein the third graphical user interface displays the plurality of third lists of items that corresponds to a selected one of the participants in the second list". Contrary to Applicant's arguments, Mayaud teaches that a first list of items may correspond to a complete list of conditions used when adding new conditions to a patient's record when a problems button 50 is selected [*column 19,*

lines 42-58] or when selecting a condition using condition button 86 [*column 25, lines 56-59*]. Thus, the list of currently active conditions 51 [*column 19, lines 42-47; figure 3*] and the list of conditions 86 with prescriptions [*column 20, lines 11-20; figure 3*] corresponds to the plurality of third lists of items. When a patient is selected, the lists of information corresponding to that patient will be displayed [*column 19, line 29 to column 20, line 58*]. The lists are made by selection from a user [*column 20, lines 59-63; column 26, lines 12-15*]. Additionally, the lists displayed when selecting a drug for a particular condition correspond to the participant that was selected [*column 34, lines 17-33*]. Consequently, and given the broadest, most reasonable interpretation of their claim language, Mayaud is still considered to anticipate claim 1.

Regarding dependent claim 2, the Applicant alleges that Mayaud, as described in the previous Office action, does not explicitly teach, “a fourth graphical user interface area that displays at least one grouping of third lists of items of the corresponding plurality of third lists of items displayed in the third graphical user interface area”. Contrary to Applicant’s arguments, Mayaud teaches a Dx-Patient list that lists previously exhibited conditions or problems of the selected patient [*column 34, lines 26-33*] as well as any new conditions that are selected [*column 34, lines 45-51*]. Thus, the Dx-Patient list would list all the conditions that are listed in the third lists of items.

Regarding dependent claim 3, the Applicant alleges that Mayaud, as described in the previous Office action, does not explicitly teach that the corresponding plurality of third lists of items are displayed in an array of graphical user interface areas within the third graphical interface area. Contrary to Applicant’s arguments, Mayaud teaches that

the lists are made by selection from a user [column 19, lines 49-58; column 26, lines 12-15; column 34, lines 45-51]. Selections for problems and allergies are displayed in area 50 and 52 and selections for conditions and drugs are displayed in areas 86 and 88 of [figure 3]. The system supplies an array of up-to-date prescribing information and patient-related data to the point-of-care [column 33, lines 39-45].

Applicant states that dependent claims 2-6 recite all the limitations of the independent claims, and thus, are allowable in view of the remarks set forth regarding independently amended claim 1. However, as discussed above, Mayaud is considered to teach claim 1, and consequently, claims 2-6 are rejected.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN H. TAN whose telephone number is (571)272-8595. The examiner can normally be reached on Mon-Fri 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on 571-272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHT

Assistant Examiner
Art Unit 2173

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Primary Examiner, Art Unit 2173